

REMARKS

This is a full and timely response to the non-final Official Action mailed **September 9, 2009** (the “Office Action” or “Action”). Reconsideration of the application in light of the above amendments and the following remarks is respectfully requested.

Claim Status:

Claims 8, 9, 32, 33, 44, 45, 52-69, 71, 78 and 79 were previously cancelled without prejudice or disclaimer. By the preceding amendment, claims 1, 18, and 36 have been amended. Thus, claims 1-7, 10-31, 34-43, 46-51, 70, and 80-84 are currently pending for further action.

Prior Art:

Rejections under 35 U.S.C. §103(a):

1. In the recent Office Action, claims 1-7, 10-13, 36-43, 46-51, 70, 72-77, and 80-84 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2002/0040475 to Yap et al. (hereinafter Yap) in view of U.S. Patent No. 6,661,468 to Alten et al. (hereinafter Alten), PCT Application Publication No. WO 03009141 A1 (for which U.S. Patent No. 7,441,124 will serve for translation and citation purposes) to Hirasawa et al. (hereinafter Hirasawa), and U.S. Patent No. 7,373,650 to Rodriguez et al. (hereinafter Rodriguez). For at least the following reasons, this rejection should be reconsidered and withdrawn.

Claims 1 and 36:

Claim 1 recites:

A display device comprising:

a connection to a number of recording devices;

a connection to a number of sources of audiovisual programming; and
a user interface comprising:

a first window associated with a source of audiovisual programming;

a first identifier displayed in association with said first window identifying said source of audiovisual programming associated with said first window from among a plurality of sources of audiovisual programming;

a second window associated with a connected recording device;

and

a second identifier displayed in association with said second window identifying said connected recording device associated with said second window;

in which said first window displays said audiovisual programming from said source of audiovisual programming, and

in which said connection to said recording devices and said connection to said sources of audiovisual programming are configured to provide asynchronous and isochronous data transfer.

(Emphasis added).

Similarly, claim 36 recites:

A computer program product providing an on-screen user interface for a video display device, the computer program product comprising:

a computer usable medium having computer usable program code embodied therewith, the computer usable program code comprising:

computer usable program code configured to display a first window associated with a number of sources of audiovisual programming connected to said video display device;

computer usable program code configured to display a first identifier displayed in association with said first window identifying said source of audiovisual programming associated with said first window from among said sources of audiovisual programming;

computer usable program code configured to display a second window associated with a number of recording devices connected to said video display device; and

computer usable program code configured to display a second identifier displayed in association with said second window identifying said recording device associated with said second window from among said recoding devices,
in which said connection between said video display device and said sources of audiovisual programming and recording devices are configured to provide asynchronous and isochronous data transfer.
(Emphasis added).

Support for the amendment to claims 1 and 36 can be found in Applicant's originally filed specification at, for example, paragraph [0017].

In contrast, Yap, Alten, Hirasawa, and Rodriguez do not teach or suggest "[a] display device comprising a connection to a number of recording devices, [and] a connection to a number of sources of audiovisual programming . . . in which said connection to said recording devices and said connection to said sources of audiovisual programming are configured to provide asynchronous and isochronous data transfer," (Claim 1) or "[a] computer program product providing an on-screen user interface for a video display device, the computer program product comprising a computer usable medium having computer usable program code embodied therewith, the computer usable program code comprising . . . computer usable program code configured to display a first window associated with a number of sources of audiovisual programming connected to said video display device, [and] computer usable program code configured to display a second window associated with a number of recording devices connected to said video display device, . . . in which said connection between said video display device and said sources of audiovisual programming and recording devices are configured to provide asynchronous and isochronous data transfer." (Claim 36). None of the prior art references teach or suggest a connection that is configured to provide asynchronous and isochronous data transfer.

In contrast, claims 1 and 36 recite connections “configured to provide asynchronous and isochronous data transfer.” This subject matter is clearly not taught or suggested by Yap, Alten, Hirasawa, and Rodriguez.

The Supreme Court recently addressed the issue of obviousness in *KSR Int'l Co. v. Teleflex Inc.*, 127 S.Ct. 1727 (2007). The Court stated that the *Graham v. John Deere Co. of Kansas City*, 383 U.S. 1 (1966), factors still control an obviousness inquiry. Under the analysis required by *Graham v. John Deere Co. of Kansas City*, 383 U.S. 1 (1966), to support a rejection under § 103, the scope and content of the prior art must first be determined, followed by an assessment of the differences between the prior art and the claim at issue in view of the ordinary skill in the art. In the present case, the scope and content of the prior art, as evidenced by Yap, Alten, Hirasawa, and Rodriguez, did not include the claimed subject matter, particularly connections configured to provide asynchronous and isochronous data transfer.

The differences between the cited prior art and the indicated claims are significant because a connection that provides asynchronous and isochronous data transfer allows for both traditional load-and-store applications where data transfer can be initiated and an application interrupted as a given length of data arrives in a buffer and an assurance that data flows at a pre-set rate so that an application or recipient device can handle the incoming data in a timed way to reduce the need for buffering and help ensure a continuous presentation for a viewer. Thus, the claimed subject matter provides features and advantages not known or available in the cited prior art. Consequently, the cited prior art will not support a rejection of claims 1 and 36 under 35 U.S.C. § 103 and *Graham*.

Therefore, for at least the reasons explained here, the rejection based on Yap, Alten, Hirasawa, and Rodriguez of claims 1 and 36 and their dependent claims should be reconsidered and withdrawn.

Claim 70:

Claim 70 recites:

An audiovisual device in communication with at least one recording device, said audiovisual device comprising:
a user input device; and
***a user interface displayed on said audiovisual device;
wherein said user interface comprises a first window associated with a source of audiovisual programming, and a second window associated with said recording device;***
wherein said user interface further comprises a first identifier displayed in association with said first window identifying said source of audiovisual programming associated with said first window from among a plurality of sources of audiovisual programming and a second identifier displayed in association with said second window identifying said connected recording device associated with said second window; and
wherein said second window displays said audiovisual programming in response to a record command, such that both said first and second windows each display said audiovisual programming from said source of audiovisual programming associated with said first window to indicate that said recording device is recording said audiovisual programming associated with said first window.

(Emphasis added).

In contrast, Yap, Alten, Hirasawa, and Rodriguez do not teach or suggest “[a]n audiovisual device in communication with at least one recording device, said audiovisual device comprising a user interface displayed on said audiovisual device, wherein said user interface comprises a first window associated with a source of audiovisual programming, and a second window associated with said recording device . . . wherein said second window displays said audiovisual programming in response to a record command, such that both said first and second windows each display said audiovisual programming from said source of audiovisual

programming associated with said first window to indicate that said recording device is recording said audiovisual programming associated with said first window.” (Claim 70).

The Office Action states the following:

Yap discloses **an audiovisual device in communication with at least one recording device, said audiovisual device comprising: a user input device (paragraph [0186]); and a user interface displayed on said audiovisual device; wherein said user interface comprises a first display (Figure 2, element 271 and/or 272) associated with a source of audiovisual programming (paragraph [0199]), and a second display (Figure 2, element 272 and/or 271) associated with said recording device (paragraph [0198]); and wherein said second display displays said audiovisual programming in response to a record command, such that both said first and second displays each display said audiovisual programming from said source of audiovisual programming associated with said first display to indicate that said recording device is recording said audiovisual programming associated with said first display (paragraph [0031]).**

(Action, p. 11).

However, this is incorrect. Yap simply teaches that following:

Further enhancements to the present invention include *several modes*, including, but not limited to recording two or more signals where one or both may also be simultaneously viewed, recording one or more signals and playing back one or more signals, playing back two or more signals, watching one or more signals, while recording one or more other signals, viewing two or more live signals (through the use of picture-in-picture or other similar function), and viewing at least one signal live, while viewing one or more signals in playback mode.

(Yap, para. [0031])(emphasis added).

In other words, Yap simply teaches several modes of viewing recorded and live signals, and does not teach or suggest viewing a single signal on two separate windows on a single display device in order to indicate to a user that the signal is being recorded on a recording device.

In the Response to the Arguments, the Office Action states that “nowhere in claim [70] is the word ‘confirm’ used.” (Action, p. 25). This is true. However, Applicant maintains that Yap does not teach or suggest indicating the recording of audiovisual programming displayed in a first window by displaying the audiovisual programming in the second window.

Further, the Office Action insists that because the word “indicate” is used, this term “can mean ‘to point out or show That is, when a user records a program, and the recording starts in a second window, this has shown [to] the user that the recording has begun.” (*Id.*). However, Applicant asserts that the teachings of Yap do not include this specific recitation of claim 70. Yap, as discussed above, simply teaches several modes of viewing recorded and live signals. Yap is silent with regard to indicating the recording of audiovisual programming displayed in a first window by displaying the audiovisual programming in the second window.

In contrast, claim 70 recites an audiovisual device in communication with at least one recording device, said audiovisual device comprising a user interface displayed on said audiovisual device, wherein said user interface comprises a first window associated with a source of audiovisual programming, and a second window associated with said recording device . . . wherein said second window displays said audiovisual programming in response to a record command, such that both said first and second windows each display said audiovisual programming from said source of audiovisual programming associated with said first window to indicate that said recording device is recording said audiovisual programming associated with said first window. This subject matter is clearly not taught or suggested by Yap, Alten, Hirasawa, and Rodriguez.

Again, under the analysis required by *Graham v. John Deere Co. of Kansas City*, 383 U.S. 1 (1966), to support a rejection under § 103, the scope and content of the prior art must first be determined, followed by an assessment of the differences between the prior art and the claim at issue in view of the ordinary skill in the art. In the present case, the scope and content of the prior art, as evidenced by Yap, Alten, Hirasawa, and Rodriguez, did not include the claimed subject matter, particularly an audiovisual device in communication with at least one recording device, said audiovisual device comprising a user interface displayed on said audiovisual device, wherein said user interface comprises a first window associated with a source of audiovisual programming, and a second window associated with said recording device . . . wherein said second window displays said audiovisual programming in response to a record command, such that both said first and second windows each display said audiovisual programming from said source of audiovisual programming associated with said first window to indicate that said recording device is recording said audiovisual programming associated with said first window.

The differences between the cited prior art and the indicated claims are significant because the recitations of claim 70 provide for a means to confirm to a user that the audiovisual programming being currently viewed is, in fact, being recorded, and thus prevents the user from mistakenly failing to record the audiovisual programming. Thus, the claimed subject matter provides features and advantages not known or available in the cited prior art. Consequently, the cited prior art will not support a rejection of claim 70 under 35 U.S.C. § 103 and *Graham*. Therefore, for at least the reasons explained here, the rejection based on Yap, Alten, Hirasawa, and Rodriguez of claim 70 and its dependent claims should be reconsidered and withdrawn.

Additionally, various dependent claims of the application recite subject matter that is further patentable over the cited prior art. Specific, non-exclusive examples follow.

Claim 12:

Claim 12 recites: “[t]he display device of claim 10, wherein said second window displays said audiovisual programming in response to said record command, such that both said first and second windows each display said audiovisual programming from said source of audiovisual programming associated with said first *window to indicate that said recording device is recording said audiovisual programming associated with said first window.*” (Emphasis added). In contrast, Yap, Alten, Hirasawa, and Rodriguez do not teach or suggest “[t]he display device of claim 10, wherein said second window displays said audiovisual programming in response to said record command, such that both said first and second windows each display said audiovisual programming from said source of audiovisual programming associated with said first window to indicate that said recording device is recording said audiovisual programming associated with said first window.” (Claim 12).

The Office Action states the following:

Yap discloses **wherein said second display displays said audiovisual programming in response to a record command, such that both said first and second displays each display said audiovisual programming from said source of audiovisual programming associated with said first display to indicate that said recording device is recording said audiovisual programming associated with said first display** (paragraph [0031]).
(Action, p. 6).

However, this is incorrect. Yap simply teaches that following:

Further enhancements to the present invention include *several modes*, including, but not limited to recording two or more signals where one or both may also be simultaneously viewed, recording one or more signals and playing back one or more signals, playing back two or more signals, watching one or more signals, while recording one or more other signals, viewing two or more live signals (through the use of picture-in-picture or other similar function), and viewing at least one signal live, while viewing one or more signals in playback mode. (Yap, para. [0031])(emphasis added).

In other words, Yap simply teaches several modes of viewing recorded and live signals, and does not teach or suggest viewing a single signal on two separate windows on a single display device in order to indicate to a user that the signal is being recorded on a recording device.

In the Response to the Arguments, the Office Action states that “nowhere in claim [12] is the word ‘confirm’ used.” (Action, p. 25). However, although this may be true, Applicant maintains that Yap does not teach or suggest indicating the recording of audiovisual programming displayed in a first window by displaying the audiovisual programming in the second window.

Further, the Office Action insists that because the word “indicate” is used, this term “can mean ‘to point out or show That is, when a user records a program, and the recording starts in a second window, this has shown [to] the user that the recording has begun.” (*Id.*). However, Applicant asserts that the teachings of Yap do not include this specific recitation of claim 12. Yap, as discussed above, simply teaches several modes of viewing recorded and live signals. Yap is silent with regard to indicating the recording of audiovisual programming displayed in a first window by displaying the audiovisual programming in the second window.

In contrast, claim 12 recites the display device of claim 10, wherein said second window displays said audiovisual programming in response to said record command, such that both said first and second windows each display said audiovisual programming from said source of audiovisual programming associated with said first window to indicate that said recording device is recording said audiovisual programming associated with said first window. This subject matter is clearly not taught or suggested by Yap, Alten, Hirasawa, and Rodriguez.

Again, under the analysis required by *Graham v. John Deere Co. of Kansas City*, 383 U.S. 1 (1966), to support a rejection under § 103, the scope and content of the prior art must first be determined, followed by an assessment of the differences between the prior art and the claim at issue in view of the ordinary skill in the art. In the present case, the scope and content of the prior art, as evidenced by Yap, Alten, Hirasawa, and Rodriguez, did not include the claimed subject matter, particularly the display device of claim 10, wherein said second window displays said audiovisual programming in response to said record command, such that both said first and second windows each display said audiovisual programming from said source of audiovisual programming associated with said first window to indicate that said recording device is recording said audiovisual programming associated with said first window.

The differences between the cited prior art and the indicated claims are significant because the recitations of claim 12 provide for a means to confirm to a user that the audiovisual programming being currently viewed is, in fact, being recorded, and thus prevents the user from mistakenly failing to record the audiovisual programming. Thus, the claimed subject matter provides features and advantages not known or available in the cited prior art. Consequently, the cited prior art will not support a rejection of claim 12 under 35 U.S.C. § 103 and Graham.

Therefore, for at least the reasons explained here, the rejection based on Yap, Alten, Hirasawa, and Rodriguez of claim 12 should be reconsidered and withdrawn.

2. In the recent Office Action, claims 14-17 were rejected under 35 U.S.C. § 103(a) as being unpatentable Yap in view of U.S. Patent Application Publication No. 2002/0174433 to Baumgartner et al. (hereinafter Baumgartner) and Rodriguez. For at least the following reasons, this rejection should be reconsidered and withdrawn.

Claim 14:

Claim 14 recites:

A display device connected to at least one recording device and at least one source of audiovisual programming, said display device comprising a user interface comprising:

a first window associated with a source of audiovisual programming;

and

a second window associated with a connected recording device;

wherein said first window displays an electronic program guide for said source of audiovisual programming, and said second window lists programs selected for future recording by a user from said electronic program guide, and

wherein said second window is further configured to display said audiovisual programming in response to a record command, such that both said first and second windows each display said audiovisual programming from said source of audiovisual programming associated with said first window to indicate that said recording device is recording said audiovisual programming associated with said first window.

(Emphasis added)

In contrast, Yap, Baumgartner, and Rodriguez do not teach or suggest “[a] display device connected to at least one recording device and at least one source of audiovisual programming, said display device comprising a user interface comprising a first window associated with a

source of audiovisual programming, and a second window associated with a connected recording device . . . wherein said second window is further configured to display said audiovisual programming in response to a record command, such that both said first and second windows each display said audiovisual programming from said source of audiovisual programming associated with said first window to indicate that said recording device is recording said audiovisual programming associated with said first window.” (Claim 14).

The Office Action states the following:

Yap discloses **a display device connected to at least one recording device and at least one source of audiovisual programming, said display device comprising a user interface comprising: a first display (Figure 2, element 272 and/or 271) associated with a source of audiovisual programming; and a second display (Figure 2, element 272 and/or 271) associated with a connected recording device; wherein said first display displays an electronic program guide for said source of audiovisual programming (paragraphs [0198]-[0199]), and said second display lists programs selected by a user from said electronic program guide (paragraphs [0186]-[0187]), and wherein said second display is further configured to display said audiovisual programming in response to a record command, such that both said first and second displays each display said audiovisual programming from said source of audiovisual programming associated with said first display to indicate that said recording device is recording said audiovisual programming associated with said first window (paragraph [0031]).**

(Action, p. 15).

However, this is incorrect. Yap simply teaches that following:

Further enhancements to the present invention include *several modes*, including, but not limited to recording two or more signals where one or both may also be simultaneously viewed, recording one or more signals and playing back one or more signals, playing back two or more signals, watching one or more signals, while recording one or more other signals, viewing two or more live signals (through the use of picture-in-picture or other similar function), and viewing at least one signal live, while viewing one or more signals in playback mode.

(Yap, para. [0031])(emphasis added).

In other words, Yap simply teaches several modes of viewing recorded and live signals, and does not teach or suggest viewing a single signal on two separate windows on a single display device in order to indicate to a user that the signal is being recorded on a recording device.

In the Response to the Arguments, the Office Action states that “nowhere in claim 14 is the word ‘confirm’ used.” (Action, p. 25). However, although this may be true, Applicant maintains that Yap does not teach or suggest indicating the recording of audiovisual programming displayed in a first window by displaying the audiovisual programming in the second window.

Further, the Office Action insists that because the word “indicate” is used, this term “can mean ‘to point out or show That is, when a user records a program, and the recording starts in a second window, this has shown [to] the user that the recording has begun.” (*Id.*). However, Applicant asserts that the teachings of Yap do not include this specific recitation of claim 14. Yap, as discussed above, simply teaches several modes of viewing recorded and live signals. Yap is silent with regard to indicating the recording of audiovisual programming displayed in a first window by displaying the audiovisual programming in the second window.

In contrast, claim 14 recites a display device connected to at least one recording device and at least one source of audiovisual programming, said display device comprising a user interface comprising a first window associated with a source of audiovisual programming, and a second window associated with a connected recording device . . . wherein said second window is further configured to display said audiovisual programming in response to a record command, such that both said first and second windows each display said audiovisual programming from

said source of audiovisual programming associated with said first window to indicate that said recording device is recording said audiovisual programming associated with said first window. This subject matter is clearly not taught or suggested by Yap, Baumgartner, and Rodriguez.

Again, under the analysis required by *Graham v. John Deere Co. of Kansas City*, 383 U.S. 1 (1966), to support a rejection under § 103, the scope and content of the prior art must first be determined, followed by an assessment of the differences between the prior art and the claim at issue in view of the ordinary skill in the art. In the present case, the scope and content of the prior art, as evidenced by Yap, Baumgartner, and Rodriguez, did not include the claimed subject matter, particularly a display device connected to at least one recording device and at least one source of audiovisual programming, said display device comprising a user interface comprising a first window associated with a source of audiovisual programming, and a second window associated with a connected recording device . . . wherein said second window is further configured to display said audiovisual programming in response to a record command, such that both said first and second windows each display said audiovisual programming from said source of audiovisual programming associated with said first window to indicate that said recording device is recording said audiovisual programming associated with said first window.

The differences between the cited prior art and the indicated claims are significant because the recitations of claim 14 provide for a means to confirm to a user that the audiovisual programming being currently viewed is, in fact, being recorded, and thus prevents the user from mistakenly failing to record the audiovisual programming. Thus, the claimed subject matter provides features and advantages not known or available in the cited prior art. Consequently, the cited prior art will not support a rejection of claim 14 under 35 U.S.C. § 103 and Graham.

Therefore, for at least the reasons explained here, the rejection based on Yap, Baumgartner, and Rodriguez of claim 14 and its dependent claims should be reconsidered and withdrawn.

3. In the recent Office Action, claims 18-31, 34, and 35 were rejected under 35 U.S.C. § 103(a) as being unpatentable Yap in view of Alten, Hirasawa, Rodriguez, and Baumgartner. For at least the following reasons, this rejection should be reconsidered and withdrawn.

Claim 18:

Claim 18 recites:

A video display device comprising:

a screen;

a user interface displayed on said screen; and

a connection to a number of recording devices and a number of sources of audiovisual programming;

in which said user interface comprises a first window associated with a source of audiovisual programming, and a second window associated with a connected recording device;

in which a first identifier is displayed in association with said first window identifying said source of audiovisual programming associated with said first window from among a plurality of sources of audiovisual programming;

in which a second identifier is displayed in association with said second window identifying said connected recording device associated with said second window;

in which an electronic programming guide for said source of audiovisual programming associated with said first window is selectively displayed in said first window and a list of programs selected from said electronic programming guide to be recorded by said recording device associated with said second window is displayed in said second window when said electronic programming guide is displayed in said first window, and

in which said connection is configured to provide asynchronous and isochronous data transfer.

(Emphasis added)

Support for the amendment to claim 18 can be found in Applicant's originally filed specification at, for example, paragraph [0017].

In contrast, Yap, Alten, Hirasawa, Rodriguez, and Baumgartner do not teach or suggest “[a] video display device comprising . . . a connection to a number of recording devices and a number of sources of audiovisual programming . . . in which said connection is configured to provide asynchronous and isochronous data transfer.” (Claim 18). None of the prior art references teach or suggest a connection that is configured to provide asynchronous and isochronous data transfer.

In contrast, claim 18 recites connections a video display device comprising . . . a connection to a number of recording devices and a number of sources of audiovisual programming . . . in which said connection is configured to provide asynchronous and isochronous data transfer. This subject matter is clearly not taught or suggested by Yap, Alten, Hirasawa, Rodriguez, and Baumgartner.

Again, under the analysis required by *Graham v. John Deere Co. of Kansas City*, 383 U.S. 1 (1966), to support a rejection under § 103, the scope and content of the prior art must first be determined, followed by an assessment of the differences between the prior art and the claim at issue in view of the ordinary skill in the art. In the present case, the scope and content of the prior art, as evidenced by Yap, Alten, Hirasawa, Rodriguez, and Baumgartner, did not include the claimed subject matter, particularly a video display device comprising . . . a connection to a number of recording devices and a number of sources of audiovisual programming . . . in which said connection is configured to provide asynchronous and isochronous data transfer.

The differences between the cited prior art and the indicated claims are significant because a connection that provides asynchronous and isochronous data transfer allows for both traditional load-and-store applications where data transfer can be initiated and an application interrupted as a given length of data arrives in a buffer and an assurance that data flows at a pre-set rate so that an application or recipient device can handle the incoming data in a timed way to reduce the need for buffering and help ensure a continuous presentation for a viewer. Thus, the claimed subject matter provides features and advantages not known or available in the cited prior art. Consequently, the cited prior art will not support a rejection of claim 18 under 35 U.S.C. § 103 and Graham. Therefore, for at least the reasons explained here, the rejection based on Yap, Alten, Hirasawa, Rodriguez, and Baumgartner of claim 18 and its dependent claims should be reconsidered and withdrawn.

Conclusion:

In view of the preceding arguments, all claims are believed to be in condition for allowance over the prior art of record. Therefore, this response is believed to be a complete response to the Office Action. However, Applicant reserves the right to set forth further arguments in future papers supporting the patentability of any of the claims, including the separate patentability of the dependent claims not explicitly addressed herein. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed.

The absence of a reply to a specific rejection, issue, or comment in the Office Action does not signify agreement with or concession of that rejection, issue or comment. Finally, nothing in

this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment. Further, for any instances in which the Examiner took Official Notice in the Office Action, Applicants expressly do not acquiesce to the taking of Official Notice, and respectfully request that the Examiner provide an affidavit to support the Official Notice taken in the next Office Action, as required by 37 CFR 1.104(d)(2) and MPEP § 2144.03.

If the Examiner has any comments or suggestions which could place this application in better form, the Examiner is requested to telephone the undersigned attorney at the number listed below.

If any fees are owed in connection with this paper that have not been elsewhere authorized, authorization is hereby given to charge those fees to Deposit Account 18-0013 in the name of Rader, Fishman & Grauer PLLC.

Respectfully submitted,

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